

MEETINGS TO DATE 2
NO. OF REGULARS 2
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LANCASTER, NEW YORK
JANUARY 15, 1973

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 15th day of January, 1973 at 8:00 P.M. and there were

PRESENT: LEO N. WEIMER, SUPERVISOR
JOSEPH R. BARNHARDT, COUNCILMAN
EDWARD A. BERENT, COUNCILMAN
PETER J. BOLENDER, COUNCILMAN
DAVID A. SISTI, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
DOMINIC J. TERRANOVA, TOWN ATTORNEY
TIMOTHY J. DWAN, DEPUTY TOWN ATTORNEY
JAMES NORGREN, TOWN ENGINEER
VICTOR H. OTT, POLICE
WILLIAM F. DOUGHERTY, JR., BUILDING INSPECTOR

At 8:00 P.M. the Town Board considered sealed proposals for furnishing to the Town of Lancaster one (1) new 1973 dump truck complete with dump body, hydraulic hoist and snowplow equipment.

ON MOTION BY COUNCILMAN BOLENDER, AND SECONDED BY COUNCILMAN BARNHARDT AND CARRIED, by unanimous roll call vote, the time for receiving the aforesaid proposals was closed at 8:00 P.M.

Affidavits of Publication and Posting of a Notice to Bidders were presented and ordered placed on file.

The following proposals were received:

<u>BIDDER</u>	<u>BID</u>
1. Maier-Schule GMC Inc. 1745 Walden Avenue Buffalo, New York 14225	No Bid
2. International Harvester Co. P. O. Box 924 Buffalo, New York 14240	\$ 19,124.33
3. Harvey H. Pfennig Inc. 8655 Transit Road East Amherst, New York 14051	\$ 18,898.00
4. Bison Ford Truck Sales 2370 Walden Avenue Buffalo, New York 14225	\$ 18,824.00

ON MOTION BY COUNCILMAN BOLENDER, AND SECONDED BY COUNCILMAN BARNHARDT, AND CARRIED by unanimous roll call vote, the aforesaid proposals were ordered turned over to the Highway Department for examination, tabulation, and recommendation.

OFFICIAL REPORTS:

The Town Clerk reported that the following departments of the Town of Lancaster have filed with him their Monthly Reports as follows:

<u>DEPARTMENT</u>	<u>MONTH OR MONTHS OF</u>
Town Clerk	December, 1972
Police Department	December, 1972
Dog Warden	December, 1972

The Town Clerk reported that the following Boards, Commissions, Bureaus, and Committees of the Town of Lancaster have filed with him minutes or memorandums of their meetings as follows:

Planning Board	Meeting #19 December 6, 1972
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COMMITTEE REPORTS:

Councilman Barnhardt, for the Street Lighting Committee, presented a proposal for improvement of street lighting on Transit Boulevard, Miller Avenue, Spohn Drive, and Como Park Boulevard, and Bowen Road within Consolidated Lighting District No. 1 of the Town of Lancaster, and on behalf of the Committee recommended that the Town Board authorize the improvements as contained in said proposal.

Councilman Berent, for the Police, Fire, and Safety Committee, referring to the recent vehicle and train accident in Cheektowaga requested the Chief of Police of the Town of Lancaster to survey the various railroad crossings within the Town of Lancaster and report to the Town Board if he feels that at any particular location or railroad crossing there is not adequate signalling and safeguards for the protection of the vehicular traffic using that crossing.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER, TO WIT:

RESOLVED, that the Minutes of the Regular Meeting of the Town Board
held on January 2, 1973, as presented by the Town Clerk, be and hereby are
approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Deputy Commissioner of Public Works for Highways of the County of Erie has furnished the Town of Lancaster six (6) copies of a Permit for Signal Traffic Control of the Intersection of Wehrle Drive, CR275, PT.2, and Harris Hill Road, CR57, and

WHEREAS, the protection of public safety to the users of said highways demands acceleration of the installation of said Signal Control,

NOW, THEREFORE, BE IT

RESOLVED, that execution by the Supervisor of six (6) copies of Permit to furnish, erect and maintain a pre-timed traffic control signal at the Intersection of Wehrle Drive, CR275, PT 2, and Harris Hill Road, CR57, and forwarding of same to the Deputy Commissioner of Public Works for Highways of Erie County, be and hereby is confirmed.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN SISTI VOTED YES

SUPERVISOR WEIMER VOTED YES

~~xxxxy~~
The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

RESOLVED, that the engineering firm of Krehbiel-Guay-Rugg-Hall of
Tonawanda, New York, be and hereby is engaged to perform engineering services
for the Town of Lancaster on an annual retainer basis for the period beginning
January 1, 1973 and ending December 31, 1973, at the rate of \$4,900.00 per
annum, to be pro-rated monthly, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and
directed to transfer the sum of \$100.00 from the General Fund Account
No. 1990.40, Contingent Account, to the General Fund Account No. A 1440.40,
Engineers, Contractual Expenses, to accomplish the foregoing, and

BE IT FURTHER

RESOLVED, that an agreement be entered into by and between the Town
of Lancaster and Krehbiel-Guay-Rugg-Hall, Engineers, for said engineering
services and, upon approval by the Town Attorney of said Agreement, the
Supervisor shall execute said Agreement on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT, TO WIT:

WHEREAS, the Lighting Committee of the Town Board of the Town of Lancaster has requested, and the New York State Electric & Gas Corporation has submitted, a proposal for improvement of street lighting on Miller Street, Spohn Drive and Transit Boulevard within Consolidated Lighting District No. 1 of the Town of Lancaster, and

WHEREAS, the Lighting Committee of the Town Board, after investigation, review and consideration, has recommended the said installations and removals as contained in said proposals,

NOW, THEREFORE, BE IT

RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to make the following installations and removals within Consolidated Lighting District No. 1 of the Town of Lancaster:

Miller Street

Install 4 - 7000 lumen mercury lamps @ \$45.00 ea. (Poles 6,8,10,11, Line 1626)	\$ 180.00
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Remove 3 - 2500 lumen incandescent open lamps @ \$35.53 ea. (Poles 6,8,10, Line 1626)	<u>106.59</u>
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Annual Increase	\$ 73.41
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Spohn Drive

Install 1 - 7000 lumen mercury lamp @ \$45.00 ea. (Pole 14-2, Line 1826)	45.00
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Remove 1 - 2500 lumen incandescent WG lamp @ \$38.54 ea. (Pole 14-2, Line 1826)	<u>38.54</u>
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Annual Increase	6.46
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Transit Boulevard

Install 2 - 7000 lumen mercury lamps @ \$45.00 ea. (Poles 38-1/4, 38-2, Line 1992)	90.00
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Remove 1 - 1000 lumen incandescent open lamp @ \$28.53 (Pole 38-1/4, Line 1992)	28.53
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Remove 1 - 2500 lumen incandescent open lamp @ \$35.53 (Pole 38-2, Line 1992)	<u>35.53</u>
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Annual Increase	<u>25.94</u>
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Total Annual Increase	\$ 105.81
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and

WHEREAS, the Town of Lancaster has established Extensions Nos. 2 and 3 to its Consolidated Lighting District, and

WHEREAS, prior to such establishment of said Extensions, the Town Board had authorized the following out-of-district lights as a matter of public safety for the protection of the traveling public to be charged to the General Fund of the Town of Lancaster:

Como Park Boulevard

2 - 7000 lumen lamps @ \$45.00 ea.
(Poles 116,132,Line 145) \$ 90.00

Bowen Road

1 - 11000 lumen lamp @ \$55.00 ea.
(Pole 44,Line 517) 55.00

\$ 145.00

and

WHEREAS, said prior out-of-district lights are now within the Consolidated Lighting District and its Extensions,

NOW, THEREFORE, BE IT

RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to transfer charges for the following lights from the General Fund of the Town of Lancaster to Consolidated Lighting District No. 1 of the Town of Lancaster:

Como Park Boulevard

2 - 7000 lumen lamps @ \$45.00 ea.
(Poles 116,132,Line 145) \$ 90.00

Bowen Road

1 - 11000 lumen lamp @ \$55.00 ea.
(Pole 44,Line 517) 55.00

\$ 145.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

January 15, 1973

Councilman Sisti at this point became ill and was excused from the meeting.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

Rescinded
3-5-73
[Signature]

Resolution of the Town Board of the Town of Lancaster,
adopted January 15, 1973, providing for the purchase of
one (1) new 1973 model Ambulance by the Town of Lancaster,
appropriating no more than \$5,380.25 current funds from the
Ambulance Capital Reserve Fund of said Town as down payment,
with the balance of the cost of said ambulance, if needed,
to be provided from other current funds of the Town of
Lancaster.

WHEREAS, the Chief of Police has requested the Town Board to
advertise for bids to furnish one (1) new 1973 model Ambulance for the Town
of Lancaster in accordance with specifications on file in the Town Clerk's
Office,

NOW, THEREFORE, BE IT

RESOLVED, that the purchase of one (1) new 1973 Ambulance for the
Town of Lancaster, with part payment therefor in the sum of no more than
\$5,380.25 from the Ambulance Capital Reserve Fund is hereby approved by
the Town Board of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that this resolution shall take effect thirty days after
its adoption unless within thirty days a petition shall be filed in accordance
with Article 7 of the Town Law against the resolution and requesting it to
be submitted to the electors for their approval or disapproval, and

BE IT FURTHER

RESOLVED, that notice of this resolution shall be published in the
Lancaster Enterprise and the Lancaster-Depew Journal and posted according to
law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

*Revised
3-5-73
[Signature]*

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The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated December 27, 1972, has recommended the purchase of One (1) new 1973 ambulance to replace one of the ambulances presently in use by the Town of Lancaster Police Department, and

WHEREAS, the Police Committee of the Town Board concurs in such recommendation,

* NOW, THEREFORE, BE IT

*RESOLVED, that Notice to Bidders be published in the Lancaster Enterprise and the Lancaster-Depew Journal and be posted according to law that the Town Board will receive bids up to 8:00 o'clock P.M., Eastern Standard Time, on February 20, 1973, to furnish one (1) new 1973 ambulance to the Police Department of the Town of Lancaster in accordance with specifications on file in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN SISTI	VOTED WAS ABSENT
SUPERVISOR WEIMER	VOTED YES

~~xxkly~~
The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Lancaster Library Board of Trustees has been informed by the Director of the Buffalo and Erie County Library System of a 10% cut in part-time personnel which could seriously curtail the services of both the Depew Branch and the Lancaster Branch of the Lancaster Library Board of the Town of Lancaster, and

WHEREAS, said 10% cut in part-time personnel by the County of Erie has necessitated the discontinuance of Friday evening hours at the Lancaster Branch Library, and

WHEREAS, said 10% cut in part-time personnel is unusually oppressive to the Lancaster Library System in that the Lancaster Library System has a disproportionate number of part-time personnel compared to other libraries in Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster urgently requests the Director and Trustees of the Buffalo and Erie County Library System to reconsider the 10% budget cut as applied to part-time personnel and that the County Legislature be requested to appropriate additional funds from its share of Federal Revenue Sharing funds for this purpose, and

BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded to the Lancaster Library Board, the Director and Trustees of the Buffalo and Erie County Library System, the County Executive, the 17th District County Legislator and the Clerk of the County Legislature.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, the Association of Towns meeting in New York City conflicts
with the first regular meeting of the Town Board for the month of February,

NOW, THEREFORE, BE IT

RESOLVED, that so much of Rule 1 of the Rules of Order of the Town
Board of the Town of Lancaster be amended to provide for a regular meeting
of the Town Board of the Town of Lancaster to be held January 29, 1973, at the
usual time and place.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the County of Erie contracted for and received a technical report entitled "Land Utilization Plan for Como Lake Park" under the Comprehensive Planning Assistance Program of the New York State Office of Planning Services, which grant was entitled NYP-197, Erie County, and which plan was filed with the County of Erie on July 1, 1971, and

WHEREAS, said Land Utilization Plan for Como Lake Park recommends extensive development in the area acquired by Erie County for recreational purposes as an extension to the existing Como Lake Park and entitled "Como Lake Park Extension", located on the east side of Bowen Road and on the south side of Broadway in the Town of Lancaster, and

WHEREAS, such development would consist of a swimming pool, outdoor theatre, and include ice skating facilities along with additional picnic shelters, comfort stations, nature trails, natural ice rink and active sports facilities such as playing fields, and

WHEREAS, Como Lake Park is centrally located in Erie County and would serve a large portion of the population of Erie County in the central area, and

WHEREAS, such development, particularly of the swimming pool, natural ice rink and enclosed ice rink, would make a major contribution to the recreational needs of the immediate community, which contributes to the maintenance of Como Lake Park through police protection, loss of tax revenue as a tax-exempt facility and heavy use of Town and Village highways by persons from other communities traveling to Como Lake Park, and

WHEREAS, the County of Erie will receive large allocations of funds from the Federal Government through the Federal Revenue Sharing Program, a priority expenditure of which may be for recreational facilities,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and the Erie County Legislature be and hereby are memorialized to accelerate the total implementation of the

Land Utilization Plan for Como Lake Park dated July 1, 1971, with particular emphasis upon early construction and development of the swimming pool, ice skating facilities and outdoor theatre set forth at Page 21 of said report, and

BE IT FURTHER

RESOLVED, that County Legislators Norman J. Wolf, Jr. and Alfred Wnek be and hereby are urged to sponsor this development through the Parks and Recreation Committee of the County Legislature, and

BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded to the County Executive, the Clerk of the Erie County Legislature, the Chairman of the Parks and Recreation Committee of the Erie County Legislature, County Legislators Wolf and Wnek, the Town of Lancaster Recreation Commission and Planning Board and the Village Boards of the Villages of Depew and Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, in conjunction with a State mandate created by a 1970 amendment to the Real Property Tax Law of the State of New York, which requires all counties to prepare tax maps covering all cities, towns and villages, which maps must meet the standards established by and be approved by the State Board of Equalization and Assessment, the Erie County Department of Planning has had aerial photographs taken of the entire County, resulting in a complete up-to-date photographic record of Erie County, and

WHEREAS, said Erie County Department of Planning has advised the Town Board of the Town of Lancaster that these photographic records are available for sale to governments, business enterprises and individual property owners, and

WHEREAS, these photographic records would be of valuable assistance to the Planning Board of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the purchase of the set of aerial photographs of the Town of Lancaster, numbering 26 at a total cost of \$130.00, be and is hereby authorized for the use of the Planning Board of the Town of Lancaster, said \$130.00 cost to be drawn from the Town of Lancaster Part Town Fund, Account No. B8020.40, Planning, Contractual Expense.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN SISTI	VOTED WAS ABSENT
SUPERVISOR WEIMER	VOTED YES

The resolution was thereupon ~~unanimously~~ adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the New York State Bar Association will conduct a Municipal Law Section Seminar in New York City on January 25th and 26th, 1973, which will be of particular benefit to the Town Attorney,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Attorney be and hereby is authorized to attend the New York State Bar Association Municipal Law Section Seminar to be held in New York City on January 25th and 26th, 1973, with reimbursement for actual and necessary expenses not to exceed \$150.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~
The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, the Environmental Conservation Commission of the Town of Lancaster, with the authority of the Town Board, has instituted a pilot program of paper pickup in a defined area of the Town of Lancaster to demonstrate the feasibility of recycling efforts on a local level, and

WHEREAS, said pilot program has continued for approximately three months and has demonstrated the feasibility of such a recycling program,

NOW, THEREFORE, BE IT

RESOLVED, that the Environmental Conservation Commission of the Town of Lancaster be and hereby is authorized to continue a pilot program for curbside paper pickup by the Highway Department for an additional six months to decrease the volume of solid waste and to demonstrate the economic feasibility of recycling newspaper and thus conserving natural resources.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

~~xxxy~~
The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the members of the Recreation Commission of the Town of Lancaster have directed the recreation program of the Town of Lancaster and devoted a great deal of time, effort and personal sacrifice to such duties, and

WHEREAS, with an expanding recreation program envisioned by the Town of Lancaster, such service will necessarily entail an increasing amount of personal sacrifice of time and effort on behalf of the Town of Lancaster by said members of the Recreation Commission, and

WHEREAS, many members of the Recreation Commission have lost time from their personal employment because of the responsibilities necessarily incumbent upon said members by reason of their official duties, and

WHEREAS, Section 243, Paragraph 4, of the General Municipal Law of the State of New York provides that such members of a Town Recreation Commission shall serve without pay,

NOW, THEREFORE, BE IT

RESOLVED, that Thomas McGowan, State Senator, and Dale M. Volker, State Assemblyman, be memorialized to sponsor legislation amending Section 243, Paragraph 4, of the General Municipal Law, to provide for payment to members of Recreation Commissions in view of the great personal sacrifice in time and effort necessarily entailed in such service, and

BE IT FURTHER

RESOLVED, that the Town Clerk forward a certified copy of this resolution to State Senator McGowan and State Assemblyman Volker.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

The resolution was thereupon unanimously adopted.

January 15, 1973

PREFILED RESOLUTION NO. 14:

"Request end to X-22 experimental flights over Lancaster"

Councilman Berent withdrew his resolution and requested it be referred to the Investigating Committee of the Town Board for further study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT, TO WIT:

WHEREAS, the negotiated contract with the Cayuga Club, representing the employees of the Police Department of the Town of Lancaster, provided for an improved retirement plan to become effective December 30, 1972, and

WHEREAS, said improved retirement plan has been implemented for members of the Police Department of the Town of Lancaster, effective on December 30, 1972, and

WHEREAS, most first-class towns in Erie County have implemented a non-contributory 25-year career retirement plan, and

WHEREAS, provision has been made in the unanimously adopted 1973 budget of the Town of Lancaster to cover the additional cost of said improved retirement plan for said employees of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

Section 1. That the Town Board of the Town of Lancaster does hereby elect to provide the additional pension benefits of Section 76-e, as presently or hereafter amended, and entitled "guaranteed retirement benefits for employees of participating employers"; and BE IT FURTHER RESOLVED, that this election shall become effective with the payroll period beginning on the 24th day of March, 1973.

Section 2. That the Town Board of the Town of Lancaster does hereby elect to provide the Career Retirement Plan of Section 75-g of the Retirement and Social Security Law as presently or hereafter amended, for employees of participating employers; and BE IT FURTHER RESOLVED, that this election shall become effective with the payroll period beginning on the 24th day of March, 1973.

Section 3. That the Town Clerk forward certified copies of this resolution upon the forms provided by the New York State Employees' Retirement System, together with the necessary affidavits by the Chief Fiscal Officer, pursuant to Section 430 of the Retirement and Social Security Law, which affidavits the Supervisor is hereby authorized and directed to execute..

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN SISTI VOTED WAS ABSENT

SUPERVISOR WEIMER VOTED YES

~~xxxy~~
The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, taxpayers in the Town of Lancaster have in the past, as property owners in small water districts and extensions and sanitary sewer districts and extensions, had to pay the cost of removal or relocation of water mains, sewer lines or similar facilities and appurtenances that are maintained for public use within the right-of-way of any County road where such County road has been relocated or improved within the Town of Lancaster, and

WHEREAS, such costs have in the past and certainly in the future will become oppressive to the individual taxpayer so situated, and

WHEREAS, the improvement of County roads within the Town of Lancaster represents a benefit to all of the residents of Erie County and should equitably be borne by all of the taxpayers of Erie County as users of the County road network, and

WHEREAS, the State Department of Transportation has adopted a policy, authorized by Section 10 (24) of the Highway Law of the State of New York, paying for such relocation of municipal utilities within State rights-of-way on State improvement or relocation projects, and

WHEREAS, it appears from legal research that under the present status of the Law under Section 136 of the Highway Law, the County of Erie may not have the legal right to assume the cost of such utility relocation or removal on its County road projects, and

WHEREAS, under the present status of the law, in the original permit to place water mains, sewer lines or similar facilities and appurtenances by water and sewer districts in the County road rights-of-way, every Town and Village in Erie County must submit a permit application to the County Department of Public Works under said Section 136 of the Highway Law, which permit is conditioned, in Paragraph 2 thereof, as follows:

"Any cost involved in the removal or relocation of installations made overhead, on the surface or underground as a result of this permit, due to highway reconstruction or maintenance work, shall be borne by the owner. Driveways may be excepted at the County's option."

and,

WHEREAS, the County of Erie should equitably and morally assume the costs of such removal or relocation of water mains, sewer lines or similar facilities and appurtenances thereto maintained in the County rights-of-way as a general cost of the County road improvement, and

WHEREAS, Chapter 969 of the Laws of 1969 authorizes Monroe County to pay a portion or all of expenses for the removal or relocation of water mains, sewer lines or similar facilities and appurtenances thereto maintained for public use within the rights-of-way of any County road where the County Superintendent of Highways deems such County road necessary to be repaired, constructed, reconstructed or relocated,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

Section 1. That the Town Clerk be and hereby is authorized and directed to contact Dale M. Volker, 147th District Assemblyman, and Thomas F. Mc Gowan, 54th District Senator, to introduce and seek enactment of legislation authorizing Erie County to pay for removal and/or relocation of water mains, sewer lines or similar facilities and appurtenances thereto within rights-of-way of County roads in the County of Erie, based upon an act of the Legislature known as Chapter 969 of the Laws of 1969, which authorized such costs to be paid by the County of Monroe.

Section 2. That every Town and Village in Erie County be strongly urged to adopt a resolution similar to this resolution and that the official body of each such municipality be urged to contact each Assemblyman and State Senator in their particular district, urging enactment of the foregoing enabling legislation.

Section 3. That the Town Clerk be and hereby is directed to forward a certified copy of this resolution and a copy of Chapter 969 of the Laws of 1969 to each municipal body of every Town and Village in Erie County, with a request that action be taken by their respective municipal board in furtherance of the aims of this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

~~duky~~
The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BOLENDER, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

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RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 5138 to 5210 Incl.	\$ 180,386.92
Special District Funds	No. 1184 to 1188 Incl.	25,900.37
Part Town Funds	No. 1430 to 1435 Incl.	3,647.93
Highway Funds	No. 2943 to 2952 Incl.	14,551.02
Trust & Agency Funds	No. 449 to 451 Incl.	23,600.00

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

~~and~~

The resolution was thereupon unanimously adopted.

January 15, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BOLENDER, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

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RESOLVED, that the following Building Permit Application be and is
hereby approved and the issuance of a Building Permit be and is hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
2	Lancaster Motor Inn	6685 Transit Road	ER. FIBERGLASS ALUM. SIGN

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN SISTI	VOTED	WAS ABSENT
SUPERVISOR WEIMER	VOTED	YES

~~duky~~
The resolution was thereupon unanimously adopted.

January 15, 1973

1) Site Plan Approval - Gunnville Realty Corp.

This item is still before the Planning Board awaiting revised plans from Gunnville Realty Corp.

2) Traffic Study - Wehrle Drive

At the Town Board meeting of December 4, 1972 Councilman Berent indicated that upon completion of site improvements early in the spring of 1973 by the County of Erie Highway Department, a traffic light will be installed and jointly maintained at this location by the Town of Lancaster and the Town of Clarence.

3) Traffic Study - Walden Avenue

The State Traffic Commission by letter dated July 24, 1972 indicated that this study would be added to their case load as soon as reconstruction along Walden Avenue is completed.

On December 18, 1972 the Chief of Police reported that the State Traffic Commission was gathering data and is in the process of reviewing the data relative to this traffic study.

4) Traffic Study - Harris Hill Road and Pleasant View Drive

On December 18, 1972 the Supervisor was authorized to execute a permit for the erection of a traffic control device at this location.

The Town Board is presently awaiting specifications for the construction of a traffic light from the County of Erie.

5) Rezone petition - Ralph Figlow - Aurora Street

This matter, after Public Hearing, has been referred back to the Planning Board for review and report to the Town Board.

6) Cayuga Creek Flood Program

The Army Corps of Engineers indicated that their workload is such that they will not be able to commence studies on this project until January, 1973.

7) Acquisition of Nike Battery - Pavement Road

A purchase offer and deposit have been made and tendered to the United States Government for the purchase of this property and the Town Board is awaiting acceptance of its offer.

8) Acquisition of Nike Battery - Walden Avenue and Peppermint and Ransom Roads

Newspaper reports have indicated that this property has been awarded to the Town of Lancaster, however, the Supervisor and Town Attorney reported no official correspondence to this affect.

9) Tax Abatement - Police Services - County Sheriff's Department

On December 13, 1972 Legislator Wnek indicated to the Town Board that this matter is before the Police and Safety Committee which he is Chairman of, and he will keep the Town Board advised on the progress of this matter.

10) Rezone Petition - Thomas H. Kerl - Cemetery Road

This matter is before the Planning Board under study prior to recommendation to the Town Board.

COMMUNICATIONS:

- | | |
|--|---|
| 20. Town Clerk to Town Board -
Notification - Directives complied with
from meeting of January 2, 1973. | R & F |
| 21. Norman J. Wolf to Town Clerk -
Re: Sign Limitations in RC Zoning. | Planning Board Sec'y.
Planning Committee |
| 22. Erie County Department of Planning to City,
Town and Village Clerks -
Subject: Transmittal - A Guide to the
Planning and Zoning Laws of New York
State, Office of Planning Services,
June, 1972. | Planning Board Sec'y.
Town Attorney |
| 23. County Department of Public Works to Depew
Village Board -
Request for resolution by Village Board
of Depew requesting evaluation of speed
conditions on part of Walden Avenue in
Village of Depew. | R & F. |
| 24. George M. Reu to Town Board -
Testing of experimental aircraft X-22 by
Cornell Aeronautical Laboratory. | Investigating Committee |
| 25. Senator Thomas F. McGowan to Town Clerk -
Acknowledgement - Receipt of resolution
pertaining to funding of Erie County
Sewer District No. 4. | R & F |
| 26. Library Director to Director Rounds of County -
Request restoration of 10% cut relative to
part-time employees in County system. | R & F |
| 27. Association of Towns to Town Clerk -
Notification - Annual Meeting of the
Association of Towns to be held at
New York Hilton and Americana Hotels,
New York, February 5, 6, and 7, 1973. | Councilmen Bolender
and Berent |
| 28. Chief Ott to Town Board -
Request purchase of one (1) new 1973
model vehicle (Ambulance). | R. & F |
| 29. N.Y.S. Policemen's and Firemen's Retirement
System to Town Clerk -
Acknowledge receipt of resolutions of
improved Career Retirement Plan for
Police. | Police Department
Supervisor |
| 30. County Dept. of Public Works to Town Board -
Transmittal - Copy of signal permit for
Pleasant View Drive and Harris Hill Road. | Police Committee |
| 31. Chief Ott to Town Board -
Summary of ambulance calls answered by
department during year 1972. | Village of Lancaster
Village of Depew |
| 32. Donald Conners to Town Board -
Thank you for prompt action of resolution
regarding bonus for Korean and Viet Nam
Veterans. | R & F |
| 33. Pasquale Ardino to Town Board -
Request for additional six (6) month
Leave of Absence, without pay, beginning
January 14, 1973 to July 14, 1973. | Highway Committee |

COMMUNICATIONS:

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DISPOSITION

34. Supervisor to Governor Rockefeller -
Notification - Apply Revenue Sharing
allocation for calendar year 1972.
35. Legislator Wolf to Supervisor -
Expression of thanks for cooperation and
efforts of Town Board for area citizens.
36. Erie & Niagara Counties Regional Planning
Board to Supervisor -
Re: Solicitation of Local Comments on
a federally Aided Program or Project -
RPB-DOT-APP-1-NFTA Airport Environmental
Impact Statement.
37. Town Clerk to Town Board -
Transmittal - 1972 Annual Report of
Receipts of Town Clerk.
38. Supervisor to Town Board -
Investment of Federal Revenue Sharing
Funds on January 10, 1973 at M & T
Trust Company at total dollar earning
of \$787.87.
39. Erie & Niagara Counties Regional Planning
Board to Supervisor -
Notification of Information Conference -
January 11, 1973 - RPB-EPA-WTF-30 -
Town of Cheektowaga Waste Treatment
Facility.
40. Krehbiel Engineers to Town Board -
Re: Town Sanitary Sewer District #2 -
Storm Water Infiltration.
41. City Clerk for Common Council of Tonawanda
To Town Clerk -
Evaluating Committee formed to update
wages to various members of personnel
involved in Official Positions and
request filling out of questionnaire.
42. Erie & Niagara Counties Regional Planning
Board to Supervisor -
Solicitation of Local Comments on a
Federally Aided Program or Project -
RPB-HUD-BWS-37 - Town of Cheektowaga -
Storm Sewer District No. 9.
43. Town Line Volunteer Fire Dept. Inc. to
Town Clerk -
Notification - Resignation of Lester
Peters as Fire Inspector.
44. Councilman Swiatek of Cheektowaga to Town
Clerk -
Announcement of Public Hearing for
Wednesday, January 24, 1973, regarding
improvements and revisions of Erie
County Charter.
45. James F. Hastings to Town Clerk -
Acknowledgement - Thank you for recent
letter regarding the extension of Public
Employment Program of Emergency Employment
Act of 1971.

R & F

R & F

Supervisor

R & F

R & F

R & F

Sewer Committee

Supervisor

Krehbiel Engineers

Fire Committee

Town Attorney

R & F

COMMUNICATIONS:

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DISPOSITION

46. Senator Jacob K. Javits to Town Clerk -
Thank you for recent communication
concerning need for full level of federal
funding to carry out water pollution control
efforts.
47. Department of Environmental Conservation to
Town Clerk -
Notification - Public Hearing to be held
February 6, 1973 regarding Erie County
Water Authority acquisition of additional
source of water supply from Lake Erie.
48. Senator Jacob K. Javits to Town Clerk -
Transmittal - 1972 Annual Report of
Senator Jacob K. Javits - Congressional
Record.
49. Erie & Niagara Counties Regional Planning
Board to Supervisor -
Request completion of questionnaire on
construction of waste treatment facilities.

R & F

R & F

R & F

R & F

ADJOURNMENT:

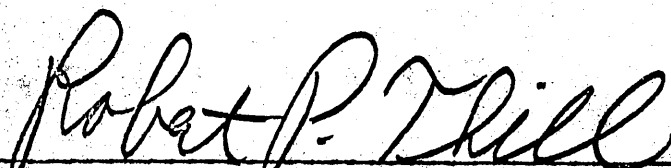
ON MOTION OF COUNCILMAN BERENT, AND SECONDED BY THE ENTIRE TOWN BOARD
AND CARRIED, the meeting was adjourned at 8:55 P.M. out of respect to:

ESTELLE KEICHER

DONALD WAAG

ANNA SCHERER

Signed


Robert P. Thill, Town Clerk